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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,575	03/18/2002	Hisashi Nakagomi	2209-44US2	3219
22850 7590 03/12/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PAN, JOSEPH T				
ART UNIT		PAPER NUMBER		
2435				
NOTIFICATION DATE		DELIVERY MODE		
03/12/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/098,575

Applicant(s)

NAKAGOMI ET AL.

Examiner

JOSEPH PAN

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Applicant's response filed on December 3, 2008 has been fully considered. Claims 1-22 have been canceled. New Claims 23-39 have been added. Claims 23-39 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck et al. (U.S. Patent No. 6,510,349 B1), hereinafter "Schneck", in view of Klein (U.S. Patent No. 7,493,653 B2).

Referring to claim 23:

i. Schneck teaches:

A communication terminal device configured to perform encrypted communication with a communication system over a connection, comprising:

a detection unit configured to establish a communication activation procedure with the communication system, and configured to detect a security level that is used during the communication activation procedure with the communication system

(see column 3, lines 7-39, of Schneck); and

an announcing unit configured to inform a user of the mobile communication terminal device about a strength of encryption of the detected security level from the communication activation procedure (see figure 1, element 136 'display device'; and column 3, lines 7-39, of Schneck).

Schneck discloses a communication system. However, Schneck does not specifically mention a wireless communication system.

ii. Klein teaches a method for configuration of a wireless network adapter, wherein Klein discloses the wireless communication (see column 1, lines 16-20, of Klein).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Klein into the system of Schneck to use a wireless communication system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Klein into the system of Schneck to use a wireless communication system, because Schneck teaches "The present invention is generally related to the field of data communications and, more particularly, is related to a system and method for securing data communication." (see column 1, lines 16-20, of Schneck, emphasis added). Klein teaches wireless communication (see column 1, lines 16-20, of Klein). Therefore, Klein's teaching could enhance Schneck's system, because it's well-known in the art that wireless communication is popular and widely used in data communication.

Referring to claim 24:

Schneck and Klein teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). They further disclose a user interface operable by the user (see e.g. figure 1, element 129 'user input', 173 'receive host input', of Schneck).

Referring to claim 25:

Schneck and Klein teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). They further disclose a data security setting unit (see column 3, lines 11-14, of Schneck).

Referring to claim 26:

Schneck and Klein teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). They further disclose a data security setting unit, the detected security level, and the reference security level (see column 3, lines 11-21, of Schneck).

Referring to claims 27, 36:

Schneck and Klein teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). They further disclose the threshold security level (see column 3, lines 11-14, of Schneck).

Referring to claim 28:

Schneck and Klein teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). They further disclose the announcing unit (see figure 1, element 136 'display device', 176 'recv display device'; figure 4, of Schneck).

Referring to claims 29, 39:

Schneck and Klein teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). They further disclose the wireless connection and more than one networks (see column 1, lines 16-20, of Schneck).

Referring to claim 30:

- i. Schneck teaches:

A server configured to perform encrypted communication with a user terminal, comprising:

a detection unit configured to establish a communication activation procedure with the user terminal, and configured to detect a security level that is used during the communication activation procedure with the user terminal (see column 3, lines 7-39, of Schneck);

a data security setting unit configured to set and store a reference security level for the server (see column 3, lines 15-20, of Schneck); and

a comparison unit configured to compare the reference security level with the detected security level, and to either establish a communication with the user terminal or accept an incoming communication from the user terminal, if the reference security level is met (see column 3, lines column 12, lines 26-35, of Schneck).

Schneck discloses a communication system. However, Schneck does not specifically mention a wireless communication system.

ii. Klein teaches a method for configuration of a wireless network adapter, wherein Klein discloses the wireless communication (see column 1, lines 16-20, of Klein).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Klein into the system of Schneck to use a wireless communication system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Klein into the system of Schneck to use a wireless communication system, because Schneck teaches "The present invention is generally related to the field of data communications and, more particularly, is related to a system and method for securing data communication." (see column 1, lines 16-20, of Schneck, emphasis added). Klein teaches wireless communication (see column 1, lines 16-20, of Klein). Therefore, Klein's teaching could enhance Schneck's system, because it's well-known in the art that wireless communication is popular and widely used in data communication.

Referring to claim 31:

Schneck and Klein teach the claimed subject matter: a server configured to perform encrypted communication with a mobile user terminal over a wireless

connection (see claim 30 above). They further disclose the control unit to determine whether to accept or deny the incoming communication, based on the detected security level and the reference security level during the established communication (see column 12, lines 26-35, of Schneck).

Referring to claims 32, 37:

Schneck and Klein teach the claimed subject matter: a server configured to perform encrypted communication with a mobile user terminal over a wireless connection (see claim 30 above). They further disclose the user inquiry, and the control unit to either continue or discontinue the process in response to said inquiry (see column 9, lines 14-24, of Klein).

Referring to claim 33:

- i. Schneck teaches:

A method of encrypted communication between a communication terminal device and a communication system over a connection, the method comprising:

establishing a communication activation procedure with the communication system by the terminal device (see column 3, lines 7-39, of Schneck);

detecting at the terminal device a security level that is used during the communication activation procedure with the communication system (see column 3, lines 7-39, of Schneck); and

informing a user of the terminal device about a strength of encryption of the detected security level from the communication activation procedure (see column 3, lines 7-39, of Schneck).

Schneck discloses a communication system. However, Schneck does not specifically mention a wireless communication system.

- ii. Klein teaches a method for configuration of a wireless network adapter, wherein Klein discloses the wireless communication (see column 1, lines 16-20, of Klein).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Klein into the system of Schneck to use a wireless communication system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Klein into the system of Schneck to use a wireless communication system, because Schneck teaches "The present invention is generally related to the field of data communications and, more particularly, is related to a system and method for securing data communication." (see column 1, lines 16-20, of Schneck, emphasis added). Klein teaches wireless communication (see column 1, lines 16-20, of Klein). Therefore, Klein's teaching could enhance Schneck's system, because it's well-known in the art that wireless communication is popular and widely used in data communication.

Referring to claim 34:

Schneck and Klein teach the claimed subject matter: a method of encrypted communication between a mobile communication terminal device and a communication system over a wireless connection (see claim 33 above). They further disclose the user interface, and the control unit to either continue or terminate the process in response to said inquiry (see column 9, lines 14-24, of Klein).

Referring to claim 35:

Schneck and Klein teach the claimed subject matter: a method of encrypted communication between a mobile communication terminal device and a communication system over a wireless connection (see claim 33 above). They further disclose setting and storing a reference security level at the terminal device, comparing the reference level with the detected security level, and establishing a communication based on the comparison (see column 3, lines 7-21, of Schneck).

Referring to claim 38:

Schneck and Klein teach the claimed subject matter: a method of encrypted communication between a mobile communication terminal device and a communication system over a wireless connection (see claim 33 above). They further disclose informing the user about the actual security level has dropped below the

reference security level (see figure 4, element 'security level range', 'security thermostat', 'actual security algorithm', 'actual verification type'; and column 9, line 63-column 10, line 10, of Schneck).

Response to Arguments

4. Applicant's arguments, filed on December 3, 2008, have been fully considered. The present amendment cancels Claims 1-22, and adds new Claims 22-39. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schneck and Klein.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Joseph Pan/

Examiner, Art Unit 2435

March 5, 2009

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435